



**SCHNADER HARRISON
SEGAL & LEWIS LLP**

ATTORNEYS AT LAW

SUITE 3600 • 1600 MARKET STREET • PHILADELPHIA, PENNSYLVANIA 19103-7286

Gerard Weiser
215 751-2427
215-751-2658 Fax

FACSIMILE TRANSMISSION COVER SHEET

January 17, 2001

SEND TO: Examiner David Fox
FAX#: 703-305-7401
PHONE#: 703-308-0280

FROM: Gerard Weiser
CLIENT#:
ATTY#: 1286
RE: U.S. Serial No. 09/079,640; Our Ref.: 1018-00

*received
1/17/01
JWF*

NUMBER OF PAGES INCLUDING COVER PAGE: 4

COMMENTS:

IF THERE IS A PROBLEM, CALL: 215 751-2424

The information contained in this fax communication is transmitted by an attorney. It is privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this fax communication is strictly prohibited. If this fax communication has been received in error, please immediately notify us by telephone, collect if necessary, and return the original message to us at the above address by mail (we will reimburse postage). Thank you.

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): Henry Daniell			1018-00
Serial No. 09/079,640	Filing Date 5/15/98	Examiner David Fox	Group Art Unit 1638
Invention: UNIVERSAL CHLOROPLAST INTEGRATION AND EXPRESSION VECTORS, TRANSFORMED PLANTS AND PRODUCTS THEREOF			
<p>I hereby certify that this _____ Second Response _____ (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-305-7401)</p> <p>on January 17, 2001 (Date)</p> <p style="text-align: center;">Kim Sheehan (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: center;"><i>Kim Sheehan</i> (Signature)</p>			
<p>Note: Each paper must have its own certificate of mailing.</p> <p style="text-align: right;"><i>received 1/17/01 MF</i></p>			

#17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1638
Examiner : D. T. Fox
Serial No. : 09/079,640
Filed : May 15, 1998
Inventors : Henry Daniell
Title : UNIVERSAL CHLOROPLAST
: INTEGRATION AND EXPRESSION
: VECTOR, METHOD OF USE AND
: TRANSFORMED PLANTS

1600 Market Street
Suite 3600
Philadelphia, PA 19103

Docket: 1018-00 (922.6588P)

Dated: January 17, 2001

SECOND RESPONSE

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

received
1/17/01
DTH

Sir:

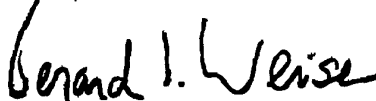
Pursuant to the Response filed on January 12, 2001, I may recall that during the interview with the Examiner on January 9, 2001, a rejection arose Under 35 USC §103(a) based on Staub et al. (1992 and 1993) combined with primary prior art, Cannon et al. and Zoubenko et al.

Staub et al. was discussed in the January 12, 2001 Response. The spacer 2 region was either not involved in the homologous combination or alternatively, was unstable in the transformed plants.

Cannon et al. and Zoubenko et al. were discussed in the October 30, 2000 Amendment and Argument. One essential feature of the Cannon vector is that vector integrates in a transcriptionally silent region of the chloroplast genome. Likewise, Zoubenko emphasizes that the spacer region should have no read-through transcription region (transcriptionally silent spacer region) like Zounbenko.

There is no suggestion or motivation to combine these references. The application is in condition for allowance. Such allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerard J. Weiser". The signature is written in a cursive, flowing style.

Gerard J. Weiser

Reg. No. 19,763

For SCHNADER HARRISON SEGAL & LEWIS LLP
215-751-2427